IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1249 OF 2005.
IN
SECOND APPEAL NO. 734 OF 2005.

Balwant Ramchandra Deshpande. ... Applicant.
Versus.
Shrirang Govind Gavai. ... Respondent.

Shri G.S.Godbole for the Applicant.

Shri K.Y.Mandlik for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 14th MARCH, 2006.

P.C.:

1. Heard Shri Godbole for the Applicant and Shri Mandlik for the Respondent. The Application is opposed by Shri Mandlik appearing for the Respondent mainly on the ground that the suit filed by the Appellant has been dismissed by the Appellate Court.

2. The trial Court passed a decree for perpetual injunction in favour of the Applicant. The decree of injunction was operating even during the pendency of the appeal before the lower Appellate Court. This Court has granted ad-interim relief in terms of prayer clause (a) on 3rd August 2005. Prayer clause (a) is in terms of the decree of perpetual injunction passed by the trial Court. As the Second Appeal is admitted for final hearing, the ad-interim relief granted on 3rd August 2005 deserves to be continued till final disposal of the

Second Appeal.

3. Hence the Civil Application is disposed of by directing that the ad-interim relief granted on 3rd August 2005 will continue to operate as interim relief.

Judge.